

**DECEMBER 2016 MINUTES OF THE
ELDER LAW & DISABILITY RIGHTS SECTION
STATE BAR OF MICHIGAN**

DECEMBER 3, 2016

Location: State Bar of Michigan, 306 Townsend, Lansing, MI. Participants had the option to appear by telephone.

Attendance:

- **In Person:** Michele Fuller-Urbatsch*, Christopher W. Smith*, Christine Caswell*, Beth Swagman*, Caroline Dellenbusch*, Raymond Harris*, Maria Messina*, Michael Mestelle*, Theresa Orlaske-Rich*, Josh Ard, Rosemary Buhl, David Kerr, Jill Goodell, Susie Chalgian, Jean Doss, Megan Edmonds, Tracey Rowens, Nick Ryan, Todd Tennis, Chelsea Utt
- **On Phone:** Howard Collens*, Angela Hentkowski*, Robert Mannor*, John Payne*, David Sprague*, Jacquelyn Rygiel-Sprague*, James Steward*, Erma Yarbrough-Thomas*, Robert Anderson, Patrick Bond, Harley Manela, Scott Brogan, Elizabeth Vincent

* Indicates Council member.

I. Executive Reports.

1. **Minutes.** Both the October and November minutes were presented for Council's approval. **Beth Swagman** moved to approve the minutes. **Michael Mestelle** seconded the motion. The October and November minutes were unanimously approved as presented.
2. **Treasurer's Report.** **Beth Swagman** stated that the State Bar is still finalizing the financials for the fiscal year. While Beth has prepared a draft budget, approval of the Section's budget was tabled until the February meeting.

II. New Business.

1. **Reminders to Committees.** **Michele Fuller-Urbatsch** reminded committees that committee reports need to be sent to Michele at least 7 days before scheduled meeting and should contain: (1) name of committee and chair submitting report; (2) date of report; (3) date of last meeting; (4) items resolved or moved forward since last meeting; (5) action items to be resolved and by whom; (6) motions to be considered by the

council; (7) the date and call-in or location of next meeting. List of committee members should be sent to Michele if it has not been sent already. All Council members should serve in at least one committee. Also, prior to the February meeting, each committee should submit three goals for the year.

2. **Facebook Page.** The Section's Facebook page is live and open to the public. Council had some discussion regarding whether the page should be made private, but Council did not come to a conclusion.
3. **New Committee: Community Outreach. Michele Fuller-Urbatsch** announced a new community to be focused on community outreach. **Erma Yarbrough-Thomas** will chair the committee. The committee will be focused on coordinating with other sections and the community at large. Additional members of the committee: **John Payne, Maria Messina, David Kerr, Theresa Rich, and Josh Ard.**
4. **Co-Sponsorship with ADR Section on webinar.** Council voted in favor of co-sponsoring a webinar with the ADR by e-mail vote. The webinar will be December 13th between 12-1:30pm and presented by Pat Prince, Alan May, David Skidmore, and Zena Zumeta. Price will be \$10 for ELDRS members (vs. \$40 for non-members).
5. **Professional Names and State Bar. Josh Ard** solicited Council's feedback on a discussion at the State Bar regarding the proper reporting of an attorney's name to the State Bar. The question is: If you legally change your name, should you be required to change your professional name with the State Bar also? Josh asked members of the Section to review the proposal and comment.
6. **Appeals to Court of Appeals.** Legislation passed requiring all appeals from the probate court to go to the Court of Appeals. The State Bar is asking for feedback regarding incorporating this law into the court rules, including how the Court of Appeals should hear emergency probate appeals. **Kelly Quardokus** will coordinate with Marlene Teahan of the Probate Section regarding attempting to coordinate comments between the sections.
7. **Litigation Committee.**
 - a) *Coordination with NAELA Michigan.* The Committee continues to work with NAELA Michigan to solicit funds

for litigation and to formalize the process to coordinate the Section's and NAELA Michigan's efforts.

- b) *In the matter of: Conservatorship of Rhea Brody.* A request was made for an amicus brief by the Section in this matter. The Committee did not make a recommendation regarding any action the Council should take on the request. Council took no action.
- c) *Litigation policies.* The Committee continues to work on policies regarding how it makes decisions, handles conflicts, and the amount of time required for requests. Ideally, the Committee wants 8 weeks of notice.
- d) *Rasmer.* Oral arguments will be held on January 12th.

8. **Legislation Committee.**

- a) *Mental Health Association.* Christine Caswell will attend the meeting regarding Section 298 (privatizing community mental health services) and will report back to Council.
- b) *POST.* POST bills are not likely to pass in lame duck. The biggest concerns deals with the "double consent" required to remove feeding tubes, which is being promoted by Right to Life, but is not in any other state's legislation. The Committee is working on scheduling meetings with Representative Tedder's office and with Right to Life.
- c) *Other legislation.* Capitol Service's report is incorporated into the minutes by reference. **Jim Steward** reported on new guardianship legislation that is likely to pass as Michigan's response to the Uniform Guardianship Act. Dower rights will likely be repealed. It is unclear whether seclusion and restraint will pass in lame duck. Legislation regarding uncapping and property owned in LLCs "pop up tax" will likely be starting by scratch next year.

- 9. **Capitol Services.** Capitol Services's contract is up for renewal beginning January 1, 2017. The contract calls for monthly payments of \$1,688 in 2017 and \$1,738.50 in 2018. Council expressed a desire that Capitol Services's inform Council of conflicts on any issues, and Todd Tennis agreed. Also, a

scrivener's error needs to be corrected to reflect that the contract include two (2) lobbying issues (paragraph 3.1(9)).

Motion: Council approves the contract with Capitol Services, Inc. pending any changes made at the Chair's discretion to address these concerns. Motion: **Howard Collens**; Second: **Christine Caswell**.

Motion passed: 17 yeas, 0 nays, Chair abstains.

10. **Fall Conference.** **Angela Hentkowski** reported that the contract for the 2017 Fall Conference has been signed. There was then discussion on the 2018 Fall Conference. There was a desire to return to Mission Point on Mackinac Island, but there were limited dates available.

Motion: The 2018 Fall Conference shall be held at Mission Point on Mackinac Island from October 16-19th, 2017. Motion: **Angela Hentkowski**; Second: **Michael Mestelle**.

Motion passed: 17 yeas, 0 nays, Chair abstains.

11. **Membership Committee.** **Maria Messina** noted that the committee met on November 11, 2016. The committee's current efforts are focused on attracting law students to the section. **Ray Harris** is working with Cooley Law School. The committee is also working to increase diversity.
12. **Section Mixers.** **Michele Fuller-Urbatsch** solicited interest in the Section possibly having social mixers, possibly with other sections. Minor league baseball was brought up as a possible event.
13. **Spring Conference.** **Harley Manela** continues to solicit sponsorships and topics for the Spring Conference. **Jane Bassett** and **Howard Collens** volunteered to be sponsors and other section members are encouraged to sponsor. There was some discussion regarding the appropriateness of vendors as sponsors.

The meeting was then adjourned.

Next Meeting: February 4, 2017, State Bar of Michigan, 306 Townsend, Lansing.